

3. (Amended) The device according to claim 1, wherein the sleeve contacts are each in contact with the terminal contacts on an outside circumference when joined together.

B² 4. (Amended) The device according to claim 1, wherein the terminal contacts have two contact plates bent into a cylindrical shape and situated on an end of a casing of the apparatus.

5. (Amended) The device according to claim 1, further comprising an insulation situated between the terminal contacts.

B³ 12. (Amended) The device according to claim 1, wherein the sleeve contacts have inclined insertion guides.

13. (Amended) The device according to claim 1, further comprising a plurality of punched grid conductors connected to the plug.

REMARKS

Claim 2 has been canceled, and therefore claims 1 and 3 to 16 are now pending.

Applicants respectfully request reconsideration of the present application in view of this response.

With respect to paragraph three (3) of the Final Office Action, claims 1 to 16 were rejected under 35 U.S.C. § 102(b) as anticipated by Togashi, U.S. Patent No. 5,772,470 ("the Togashi reference").

To facilitate matters, claim 1 now includes the features of claim 2, which has been canceled. It is therefore respectfully submitted that any review of the Togashi reference makes plain that it simply does not in any way identically disclose or suggest an apparatus that includes a "*plug including at least one sleeve contact*"-- in which the "*at least one sleeve contact and the at least one terminal contact being adapted to be assembled together parallel to the installation direction,*" and in which the "*at least one sleeve contact includes two concentric sleeve contacts*" and the "*at least one terminal contact including two concentric terminal contacts*" so that the "*two sleeve contacts connecting to the two terminal contacts*", as in claim 1 as presented. Thus, claim 1 provides that the plug includes at least one sleeve contact and that the two concentric sleeve contacts connect to the two concentric

terminal contacts.

To reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is identically disclosed in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). It is respectfully submitted that the Togashi reference simply does not and cannot identically disclose (or even suggest) the foregoing features of claim 1, and this is evidenced by the fact that the Final Office Action does not in any way identify the foregoing features in the Togashi reference.

The Togashi reference purportedly concerns a coaxial connector connected to an outer conductor of a horizontally-extending coaxial cable and holds an insulator in surrounding relation thereto. (*See Togashi*, Abstract). As asserted in the Final Office Action, the text at lines 6 to 13 of column 5 of the Togashi reference was asserted against the rejected claims. That section, however, only indicates that the contact includes a central terminal portion for releasably fitting on a central terminal portion of a mating connector, and a central conductor clamp for horizontally clamping a central conductor of the coaxial cable. As indicated, this contact of an integral construction is formed by blanking and bending of a single copper alloy sheet. (*See Togashi*, col. 5, lines 6 to 13). The reference also indicates that the central terminal portion includes two downwardly-projecting terminal piece portions and that it has an inverted U-shaped vertical section. (*See Togashi*, col. 5, lines 14 to 17). Accordingly, the Togashi reference does not identically disclose (or even suggest) the features of claim 1 discussed above (namely, the plug including at least one sleeve contact and the two concentric sleeve contacts connecting to the two concentric terminal contacts).

It is therefore respectfully submitted that the reference relied upon cannot and does not anticipate claim 1 since it does not identically disclose the claim 1 features discussed above, and that claim 1 is therefore allowable.

Since claims 3 to 15 depend from claim 1, these claims are allowable for the same reasons as claim 1.

Claims 3 to 5, 12 and 13 have been amended to depend from claim 1 since claim 2 has been canceled.

With respect to paragraph five (5) of the Final Office Action, claim 16 was rejected under 35 U.S.C. § 103(a) as obvious over the Togashi reference in view of Beloritsky, U.S. Patent No. 6,036,540 ("the Beloritsky reference").

As discussed above, the primary Togashi reference does not in any way disclose or suggest the features of claim 1. Since claim 16 depends from claim 1, the Togashi reference does not in any way disclose or suggest the features of claim 16 for essentially the same reasons as claim 1. The secondary Beloritsky reference purportedly concerns a coaxial connector including a substantially cylindrical ring contact and a receptacle shell. (See Beloritsky, Abstract). Any review of the Beloritsky reference makes plain that it simply does not cure the critical deficiencies of the Togashi reference with respect to the features of claim 1 discussed above. It is therefore respectfully submitted that claim 16 is allowable over the references as applied.

To reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim element and it must also provide a motivation or suggestion for combining the elements in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); and In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)).

The cases of In re Fine, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), and In re Jones, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992), also make plain that a subjective "obvious to try" standard is not proper. In particular, the Court in the case of In re Fine stated that:

Instead, the Examiner relies on hindsight in reaching his obviousness determination. . . . **One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.**

In re Fine, 5 U.S.P.Q.2d at 1600 (citations omitted; emphasis added). Likewise, the Court in the case of In re Jones stated that:

Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. . . .

Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].

In re Jones, 21 U.S.P.Q.2d at 1943 & 1944 (citations omitted; italics in original). In short, there must be evidence of why a person having ordinary skill in the art would be motivated to

modify a reference to provide the claimed subject matter of the claims. There is no such evidence here.

Accordingly, it is respectfully requested that the obviousness rejections of claim 16 should be withdrawn for the foregoing reasons.

CONCLUSION

In view of all the above, it is believed that rejections of claims 1 to 16 have been obviated, and that currently pending claims 1 and 3 to 16 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Respectfully Submitted,
KENYON & KENYON

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By: 

Richard L. Mayer
(Reg. No. 22,490)

(By AD
reg. no.
33,065
Daren C.
D & D, R.H.)

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646

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AMENDMENT VERSION WITH MARKINGS

IN THE CLAIMS:

Please cancel without prejudice claim 2, and please amend without prejudice claim 1 as follows:

1. (Amended) A device for contacting an electrically operated apparatus, comprising:
at least one terminal contact on a side of the apparatus, the at least one terminal contact being oriented parallel to an installation direction of the apparatus; and
a plug for connecting axially to the at least one terminal contact, the plug including at least one sleeve contact, the at least one sleeve contact and the at least one terminal contact being adapted to be assembled together parallel to the installation direction, wherein the at least one sleeve contact includes two concentric sleeve contacts and wherein the at least one terminal contact including two concentric terminal contacts, the two sleeve contacts connecting to the two terminal contacts.
3. (Amended) The device according to claim [2]1, wherein the sleeve contacts are each in contact with the terminal contacts on an outside circumference when joined together.
4. (Amended) The device according to claim [2]1, wherein the terminal contacts have two contact plates bent into a cylindrical shape and situated on an end of a casing of the apparatus.
5. (Amended) The device according to claim [2]1, further comprising an insulation situated between the terminal contacts.
12. (Amended) The device according to claim [2]1, wherein the sleeve contacts have inclined insertion guides.
13. (Amended) The device according to claim [2]1, further comprising a plurality of punched grid conductors connected to the plug.